

KEVIN V. RYAN (CSBN 118321)
United States Attorney
JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
CLAIRE T. CORMIER (CSBN 154364)
Assistant United States Attorney

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5082
FAX: (408) 535-5081

Attorneys for Defendant
United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANN CASALETTO,)	Case No. C 02-4600 PVT
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER SETTING TRIAL DATE
v.)	
)	
UNITED STATES POSTMASTER)	
GENERAL, et al.,)	
)	
Defendants.)	

Pursuant to the Court's order vacating the September 9, 2005 trial date, counsel for each party proposed a new trial date. Defendant previously proposed September 23, 2005, and plaintiff proposed October 24, 2005. Defendant's counsel did not promptly object to plaintiff's proposed date because defendant's counsel was on vacation. When she returned, counsel continued to confer both over a possible settlement and an agreed continued trial date. Due to the unavailability of defendant's orthopedics expert prior to October 27, the parties now propose that the trial commence on Tuesday, October 25 and continue through Thursday, October 27, 2005. Counsel were in the process of finalizing a stipulation suggesting those dates when they received the Court's August 31, 2005 order setting the trial for October 24 through October 26, 2005. In light of that order, the parties would be agreeable either to starting trial on October 25,

or starting the trial on October 24 so long as defendant's orthopedics expert could testify on Thursday, October 27. If the trial begins on October 24 and continues through October 27, the parties request the Court to advise which days or parts of days the trial would be in session.¹

Respectfully submitted,

DATED: September 1, 2005

/s/ Brent N. Ventura
BRENT N. VENTURA
Attorney for Plaintiff

DATED: September 1, 2005

KEVIN V. RYAN
United States Attorney

/s/ Claire T. Cormier
CLAIRE T. CORMIER
Assistant United States Attorney

PROPOSED ORDER

Upon stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED THAT the trial in this case will commence on October 25, 2005 at 9:30 a.m./p.m.

~~[alternative order]~~

~~Upon stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED THAT the trial in this case will commence on October 24, 2005 at 9:30 a.m. The trial will be in session on the following dates and times:~~

IT IS SO ORDERED.

Dated: 9/19/05

/s/ Patricia V. Trumbull
Patricia V. Trumbull
United States Magistrate Judge

¹ Defendant also notes that its witness, Jarnail Singh, has advised that he is resigning from the United States Postal Service and he may be out of the country during a future trial date. Defendant therefore requests permission to submit deposition testimony of Mr. Singh that can be used if he is in fact unavailable for trial.